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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re A.D., a Person Coming Under the
Juvenile Court Law.

ORANGE COUNTY SOCIAL SERVICES
AGENCY,

Plaintiff and Respondent,

v.

D.D.,

Defendant and Appellant.

G040982

(Super. Ct. No. DP015237)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, James
Patrick Marion, Judge. Reversed and remanded, with directions.

Grace Clark, under appointment by the Court of Appeal, for Defendant and
Appellant.

Benjamin P. de Mayo, County Counsel, and Karen L. Christensen, Deputy
County Counsel, for Plaintiff and Respondent.

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D.D. (father) appeals the juvenile court's order terminating his parental rights to his eight-year-old daughter, A.D. (See Welf. & Inst. Code, § 366.26; all further statutory citations are to this code, unless noted otherwise.) Father contends, and Orange County Social Services Agency (SSA) concedes, SSA failed to comply with the Indian Child Welfare Act (25 U.S.C. 1901 et seq.) (ICWA) when, despite multiple opportunities, it failed to ask the paternal grandmother about A.D.'s potential Native American ancestry after D.D. stated at the detention hearing that he had Cherokee heritage on his grandmother's side.

Father contends, and SSA agrees, the juvenile court's order concluding SSA complied with ICWA's notice provisions must be reversed. We agree. SSA's duty of "further inquiry" with "'extended family members'" arises when the agency "'knows or has reason to know that an Indian child is or may be involved'" in the dependency proceedings. (Cal. Rules of Court, rule 5.481(a)(4)(A); see 25 U.S.C. § 1912(a); *In re Aaliyah G.* (2003) 109 Cal.App.4th 939, 941-942.) Father's statement at the detention hearing put SSA on notice of A.D.'s potential Indian heritage, and that grandmother was a likely source of relevant information. SSA left most of the boxes pertinent to A.D.'s ancestry blank on its notice to the Cherokee tribes and the Bureau of Indian Affairs (BIA). Adequate notice, however, requires SSA to provide identifying information, if available, about the child's parents, grandparents, and great-grandparents. (*In re Francisco W.* (2006) 139 Cal.App.4th 695, 703 (*Francisco W.*); *In re Louis S.* (2004) 117 Cal.App.4th 622, 631.) Omitting relevant information about or derived from grandmother from the notices SSA sent the BIA and the Cherokee tribes may have rendered those notices inadequate.

Accordingly, we reverse the order terminating father's parental rights and remand for the limited purpose of requiring SSA to comply with its inquiry duty concerning grandmother and, if necessary, to renote the BIA and any appropriate tribes. (See § 224.3, subd. (f) [receipt of new information requires court to ensure SSA provides appropriate notice to tribes and BIA].) Father is entitled to a hearing, with the assistance of counsel (*In re Nikki R.* (2003) 106 Cal.App.4th 844, 855), where the juvenile court must assess the adequacy of SSA's notice efforts and the effect of any new tribal or BIA responses (*Francisco W.*, *supra*, 139 Cal.App.4th at p. 711). Based on the new responses, if any, the juvenile court shall determine whether ICWA applies. If ICWA applies, the court shall proceed in compliance therewith. If the court determines ICWA does not apply, it shall reinstate the order terminating parental rights. (*Ibid.*)

ARONSON, J.

WE CONCUR:

MOORE, ACTING P. J.

IKOLA, J.